

REMARKS

The Examiner's indication of allowable claims is noted with appreciation. Reconsideration and allowance of the subject application in view of the preceding amendments and the following remarks is respectfully requested.

Claims Amendments/Status

By way of this reply, claims 1, 3, 8, 11, 20, 22 and 25 have been amended to correct informalities and clarify claim language. No new matter has been introduced through these amendments. Claims 1-25 are currently pending in the present application.

Rejection under 35 U.S.C. §103

1. Claims 1-5, 8-15, and 18-25 are rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent Application Publication No. 2002/0068564 ("Gustavsson") in view of U.S. Patent Application Publication No. 2008/0125168 ("Glazko"). This rejection is traversed for the reasons presented below.

Independent claim 1 recites, in part, "the hybrid access terminal in traffic with the 1xEV-DO system ... being forced to return to the 1xEV-DO mode if the predetermined search time lapses, regardless of whether or not the 1X system is detected." Given these features, a hybrid communication system according to one embodiment can prevent a call drop from the 1xEV-DO system, which may perform a call drop operation when the 1xEV-DO system does not receive a signal from the hybrid access terminal within a certain period of time while the hybrid access terminal is searching for the 1x system. Thus, the overall quality of the communication system can be improved by preventing call drops. Applicant notes that the hybrid access terminal must return to the 1xEV-DO mode if the predetermined search time lapses, and the search time is not extended in order to prevent call drops, regardless of whether or not the 1x system has been detected.

Gustavsson relates to a system for reducing message overhead in a wireless communication network. As the Examiner indicates on page 3 of the instant Office Action, Gustavsson does not show switching back to the 1xEV-DO mode if a predetermined search time

lapses.

Glazko relates to a wireless communications system for inter-system operations. The Examiner asserts on page 4 of the Office Action that Glazko teaches that the WCD 6 returns from the 1x system after expiration of a timer. The cited portion of Glazko is reproduced below for the Examiner's convenience of review.

[0039] If, on the other hand, WCD 6 returns from the IS2000-1x system after expiration of the DRC supervision timer, i.e., if *the IS2000-1x tasks took longer than 240 ms, WCD 6 may use another IS856 timer to indicate a set of alternative tasks. Another such timer that can be used in combination with the DRC supervision timer is the Reverse Channel Traffic Restart Timer, also defined by the IS856 standard. The Reverse Channel Traffic Restart Timer runs for 12 control channel cycles, or 5.12 seconds. In parallel with starting the DRC supervision timer, interoperation control software 38 also starts a combination timer (102) that runs for the combined duration of the DRC supervision timer and the Reverse Channel Traffic Restart Timer. Accordingly, the combination timer extends the Reverse Channel Traffic Restart Timer length as specified by the IS856 standard by the length of the DRC supervision timer. In most cases, the combination timer should give WCD 6 enough time to perform common tasks associated with slotted paging channel monitoring in the IS2000-1x system during either static or on-command transitions.* (Emphasis added).

As can be found in the above paragraph, Glazko suggests combining another IS856 timer with the DRC supervision timer in order to give WCD 6 enough time to perform given tasks. That is, the system of Glazko is contrary to the aforementioned features, which require that the hybrid access terminal be forced to return to the 1xEV-DO system in order to prevent call drops. Because Glazko suggests extending time in order for WCD 6 to perform given tasks, Glazko's teaching is contrary to forcing a hybrid access terminal to return to a previous system regardless of whether the given tasks are completed.

As such, Gustavsson and Glazko, whether considered separately or in combination, fail to teach or suggest at least "the hybrid access terminal in traffic with the 1xEV-DO system ... being forced to return to the 1xEV-DO mode if the predetermined search time lapses, regardless of whether or not the 1X system is detected," as required by independent claim 1.

Independent claim 11 recites, in part, "Forcing the hybrid access terminal to return to the 1xEV-DO mode if the switching time reaches a predetermined return start time,

regardless of whether or not the 1X system is detected.” As discussed above, Gustavsson and Glazko fail to teach or show at least the features of independent claim 11. Likewise, Gustavsson and Glazko also fail to teach or show at least “to force the searcher module to switch from the 1X mode to the 1xEV-DO mode, regardless of whether or not the 1X system is detected,” as required by independent claim 22.

In view of the above, independent claims 1, 11, and 22 are patentable over Gustavsson and Glazko. Also, the respective dependent claims are allowable for at least the same reasons set forth with respect to claims 1, 11, and 22. Accordingly, withdrawal of this rejection is respectfully requested.

2. Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Gustavsson and Glazko in view of U.S. Patent No. 6,711,144 (“Kim”). This rejection is traversed for the reasons presented below.

Claim 6 depends from independent claim 1. As discussed above, Gustavsson and Glazko fail to show or suggest at least the aforementioned features of independent claim 1. Further, Kim fails to cure the deficiency of Gustavsson and Glazko. Specifically, Kim is only relied upon for the cited teaching of communication of voice and data. However, like Gustavsson and Glazko, Kim is silent with respect to at least the aforementioned features of claim 1. Therefore, Gustavsson, Glazko, and Park, whether considered separately or in combination, fail to show or suggest all limitations of claim 6, and thus claim 6 is patentable over Gustavsson, Glazko, and Park. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

By: /Yoon S. Ham/
Yoon S. Ham
Registration No. 45,307

1700 Diagonal Road
Alexandria, VA 22314
Direct Phone (703) 535-7340
Facsimile (703) 518-5499
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